



IFW

Docket No. 4635-4001US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter MILLER and Timothy ROMERO

Group Art Unit: 1654

Serial No.: 10/823,429

Examiner: McCormick-Ewoldt, S.

Filed: April 12, 2004

For: **DIETARY SUPPLEMENTS CONTAINING EXTRACTS OF CINNAMON AND METHODS OF USING SAME TO ENHANCE CREATINE TRANSPORT**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the June 10, 2005 Office Action, the Examiner issued a restriction requirement, requiring Applicants to elect one of two groups of claims:

- I. "Claims 1-18, drawn to a dietary supplement comprising extracts of cinnamon"
or
- II. "Claims 19-20, drawn to a method of using the dietary supplement"

Applicants elect Group I, claims 1 through 18.

In the Office Action, the Examiner also required applicant under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

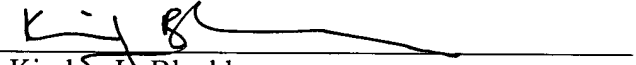
Applicants elect creatine monohydrate and dextrose. The following claims are generic and read upon these species: claims 1-5, 7, and 9-18.

The Commissioner is hereby authorized to charge any additional fees which may be required for this response, or to credit any overpayment to Deposit Account No. 13-4500, Order No. 4635-4001US1.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

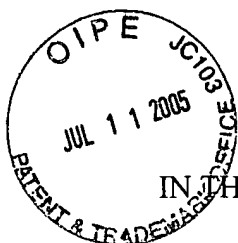
Dated: July 8, 2005

By:


Kimber L. Blackburn
Registration No. 41,380

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CERTIFICATE OF MAILING (37 C.F.R. §1.8(A))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

1. Response (2 pages);
2. Return Receipt Postcard;

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 8, 2005

By: 

Kimber L. Blackburn
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